

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 08 April 2015**

## **Regular Session**

*For legislation and background material regarding Ordinance 15-04 and Ordinance 15-08 please consult the [25 March 2015 Legislative Packet](#).*

*For Ordinance 15-09 and 15-10 please consult the [01 April 2015 Legislative Packet](#).*

*All other material contained herein.*

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## Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- Notice of Change in Council Schedule for April 2015

## Resolutions and Legislation for Second Reading at the Regular Session on April 8<sup>th</sup>:

### Summary and Legislation Included in this Packet

- **Res 15-10** Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City
  - Memo from Lisa Abbott, Director of the Housing and Neighborhood Development (HAND) Department;
  - Payment in Lieu of Taxation (PILOT) Calculations

Contact:

*Lisa Abbott at 349-3401 or [abbottl@bloomington.in.gov](mailto:abbottl@bloomington.in.gov)*

*Jennifer Osterholt at 339-3491 ext 122 or [josterholt@blha.net](mailto:josterholt@blha.net)*

- **Res 15-07** To Confirm Resolution 15-06 which Designated an Economic Revitalization Area, Approved a Statements of Benefits, and Authorized a Period of Tax Abatement tor Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)
  - Statement of Benefits;
  - Insert detailing the materials in previous packet regarding this two-part incentive package

Contact: *Danise Alano-Martin, 349-3477 or [alanod@bloomington.in.gov](mailto:alanod@bloomington.in.gov)*

Summary and Legislation Included in the [March 25<sup>th</sup> Weekly Packet](#)

- **Ord 15-04** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” - Re: Re: Creating Three Classifications of “Potentially Dangerous” Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of “Habitual Offender,” and Other Various Organizational and Housekeeping Changes.

*Contact: Laurie Ringquist 349-3470 or ringquil@bloomington.in.gov*

*Patty Mulvihill 349-3426 or mulvihip@bloomington.in.gov*

- **Ord 15-08** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations

*Contact: Tom Micuda, 812- 349-3423, micudat@bloomington.in.gov*

*Patty Mulvihill, 812-349-3426, mulvihip@bloomington.in.gov*

Summary and Legislation Included in the [March 25<sup>th</sup> Weekly Packet](#)  
with Revised Materials in the [April 1<sup>st</sup> Weekly Packet](#)

- **Ord 15-10** To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles And Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission) (*Revised Prior to Introduction on March 25<sup>th</sup> - and included in the Weekly Packet prepared for the April 1<sup>st</sup> Meetings*)

*Contact: Councilmember Volan at 812-349-3409 or volans@bloomington.in.gov*

*Dan Sherman at 812-349-3409 or shermand@bloomington.in.gov*

- **Ord 15-09** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” and to Make Other Changes Related to Metered Parking - Re: Shortening the Hours of Enforcement of On-Street and Surface Lot Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare “Parking Holidays,” Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage), and Adding On-Street Metered Spaces along Washington Street from 2nd to 3rd Street (*Revised Prior to Introduction on March 25<sup>th</sup> and included in the Weekly Packet prepared for the April 1<sup>st</sup> Meetings*)

*Contact: Darryl Neher 269-2727 or neherd@bloomington.in.gov*

## **Legislation and Background Material for First Reading:**

### Summary and Legislation Included in this Packet

- **Ord 15-07** To Amend the Planned Unit Development District Ordinance and Preliminary Plan to Revise the Approved List of Uses within the Shortstop Food Mart Planned Unit Development (PUD) - Re: 901 N. SMITH ROAD (Eastside Investments, LLC, Petitioner)
  - Certification of Plan Commission Action on March 9, 2015 (7 – 0)
  - Map of Surrounding Area
  - Memo to Council
  - Excerpt from BMC 20.02.250 Commercial Limited (CL) District
  - Letter from Petitioner Eastside Investments, LLC (Chris Smith) with History of Short Stop Food Mart
  - Proposed Floor Plan
  - Letter from Neighbor (Hank West) – Re: Smoke and, to a lesser extent, parking

*Contact: Pat Shay at 812-349-3524, shayp@bloomington.in.gov*

## **Minutes from Special Session:**

- March 25, 2015

## **Memo**

### **Review of Wednesday Schedule in April**

In order to accommodate workload, the Council has modified its schedule of Wednesday meetings in April so that there will be a:

- Regular Session on April 8<sup>th</sup>;
- Committee of the Whole on April 15<sup>th</sup>; and
- Regular Session immediately followed by a Committee of the Whole on April 22<sup>nd</sup>.

Please note that it is anticipated that the Council will also consider a motion next week to add a Special Session after the Committee of the Whole on April 15<sup>th</sup>.

### **Six Items Ready for Second Reading and One Item Ready for Introduction at the Regular Session on Wednesday, April 8<sup>th</sup>**

There are six items on the agenda under *Second Readings and Resolutions* for the Regular Session next Wednesday. The first two items are resolutions that are new

and can be found in this packet. The next four items are ordinances that can be found online as indicated above.

Please note that the last two ordinances were scheduled for discussion at the last Committee of the Whole, but not considered that night after the invocation of the Ten Thirty Rule (where a super-majority is required for introduction of legislation after 10:30 pm). After discussing the schedule with the Council President and others, it appears that those two items will be discussed but not be given final action next week. Instead, the Council is likely to continue consideration of those items to a Special Session on April 15<sup>th</sup> immediately after the Committee of the Whole.

### **Second Readings and Resolutions**

#### **Item One – Res 15-10 - Waiving Payments in Lieu of Taxation (PILOT) from the Bloomington Housing Authority to the City**

**Res 15-10** is the first of six items under *Second Readings and Resolutions* at the Regular Session next Wednesday. It is an annual resolution requested by the Bloomington Housing Authority (BHA), which waives any payment in lieu of taxes (PILOT) we might require of them. I.C. 36-7-18-25 exempts housing authorities from the payment of property taxes, but allows these authorities to enter into agreements with political subdivisions to pay a PILOT for the estimated cost of services, improvements, and facilities that are provided by the political subdivisions. In the early 1960s, the Housing Authority agreed to pay the City a PILOT. After acknowledging the services performed by the Housing Authority that might have been provided by the City, and acknowledging the benefits we received from its other services, the resolution waives this obligation.

Lisa Abbott, Director of the Housing and Neighborhood Development (HAND) Department has submitted a memo explaining the history of the PILOT obligation. She has also submitted a payment calculation sheet provided by the Bloomington Housing Authority, which is a Housing and Urban Development form used to estimate the \$32,720 that BHA would otherwise pay the City for services received during the fiscal year ending September 30, 2014. Abbott and a representative from the BHA will be present on Wednesday to explain the resolution.

**Item Two – Res 15-07 (Confirming Res 15-06 which Designated an Economic Revitalization Area (ERA), Approved a Statement of Benefits, and Authorized a 10-Year Abatement on Improvements in Personal Property – Re: 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)**

The second item under *Second Readings and Resolutions* is Res 15-07. It is known as a confirmatory resolution and confirms Res 15-06 (known as the declaratory resolution), which designated an economic revitalization area, approved a statement of benefits, and authorized period of tax abatement for the improvements in personal property located at 1501 South Strong Avenue at the request of Cook Pharmica, LLC. Please see the Weekly Legislative Packet distributed for the March 11, 2015 Committee of the Whole for the declaratory resolution, associated material, and the summary.

The improvements would entail an investment of about \$25 million to install equipment to expand the Petitioner's vial and syringe-filling capacity at its existing plant, enabling the creation of 70 full-time permanent positions with an annual payroll of \$3.2 million, excluding benefits and overtime.

The tax abatement will be for a period of 10 years and will entail the payment of about \$544,000. Petitioner will realize a savings of about \$1.2 million over that period of time.

Please also note that the public comment on this agenda item serves as the legally advertised public hearing on this legislation.

**First Reading**

**One Item – Ord 15-07 – Amending the Short Stop Planned Unit Development (PUD) – To Revise the List of Uses – 901 N. Smith Road (Eastside Investments, LLC, Petitioner)**

Ord 15-07 would amend the Short Stop PUD to revise the list of uses at the request of the Petitioner, Eastside Investments, LLC. The Short Stop is located at the south west corner of East 10<sup>th</sup> and Smith Road and is surrounded by the following zoning and uses: single-family and a school on the north, single-family and commercial on the west, single family on the south, and multi-family on the east.

As the Memo from Pat Shay, Development Services Manager, indicates, this PUD was established in 1982 with a “narrow list of approved uses that included mini-warehouses, office and convenience store with gas pumps.” In 1986, the uses were expanded to include carry-out and delivery pizza.

Over the years, a “small number of indoor seats” have been added and, more recently, the Petitioner “began to barbecue product in the parking lot as an accessory to the convenience store.” Currently, the Petitioner barbeques “multiple times a week” in preparation for a one-day-a-week event known as the BBQ Train. To expand this activity and “to spread the sales out more evenly over the week,” the Petitioner wants to change the interior of the convenience store to provide for a “more formal kitchen and restaurant use that would have a common window with the (store)” and an expanded menu. Part of that renovation will include more seating. Exterior changes are or will be limited to providing for the collection of grease and general maintenance of the buildings.

Staff considers the proposed use to be a limited services restaurant. In order to bring the narrow list of uses up-to-date with the current zoning ordinance and allow this and future owners of the property to have more flexibility on what activities may occur at this site, the Commission approved the list of uses found in the Commercial Limited (CL) zoning district. The CL district is “intended to be used for small, neighborhood-serving properties such as the petitioner’s.” The Memo notes that after reviewing the list (attached), the Council could impose a reasonable condition that removes any uses that it thought were inappropriate.

The Memo addresses compliance with the Growth Policies Plan. It notes that the site is designated as a Neighborhood Activity Center (NAC), which should focus on “commercial uses at a scale that serves the immediate neighborhood including such services as small food stores, video rental, or small cafes.” With this in mind, staff states that “the Commercial Limited district is usually associated with this ... designation and a restaurant (as well as other CL uses) is fully consistent with the goals and policies of the NAC.”

### Neighborhood Comment

The Wests, who are on a commercial and single-family (very old log cabin) zoned parcel on the west, have written the Council regarding this proposed change. Their concern is primarily regarding the smoke from the barbecuing operation which interferes with Ms. West’s activities given her health. Mr. West requests that this approval should address the smoke from the barbeque. He also notes that there is a

parking issue with this expanded activity. At its current Thursday night level of activity, he has had to have cars towed from this property and suggests that the Petitioner might remove a warehouse to accommodate the clients and parking.

### Considerations

Please note that when considering proposals to amend the zoning text and maps the Council must pay reasonable regard to:

- the comprehensive plan;
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.<sup>1</sup>

Please also recall that upon giving due regard to the above consideration, the Council may impose reasonable conditions on a PUD.<sup>2</sup>

**Happy Birthday Susan Sandberg – Friday, April 10<sup>th</sup>**

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<sup>1</sup> IC 36-7-4-603

<sup>2</sup> IC 36-7-4-1512.

(a) When adopting or amending a PUD district ordinance, the legislative body of a unit may do the following:

(1) Impose reasonable conditions on a proposed planned unit development.

(2) Condition issuance of an improvement location permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement in a planned unit development or serving a planned unit development.

(3) Allow or require an owner of real property to make a written commitment in the manner authorized under section 1015 of this chapter.

(b) When recommending adoption of a PUD district ordinance to the legislative body, granting an approval under section 1511 of this chapter, or making a modification under section 1511(b) of this chapter, the bodies or persons authorized under section 1511(c) of this chapter may:

(1) impose the conditions described in subsection (a)(1) and (a)(2); and

(2) allow or require a written commitment as authorized under section 1015 of this chapter.



**NOTICE AND AGENDA**  
**BLOOMINGTON COMMON COUNCIL REGULAR SESSION**  
**7:30 P.M., WEDNESDAY, APRIL 8, 2015**  
**COUNCIL CHAMBERS**  
**SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:**     March 25, 2015             Special Session

**IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Resolution 15-10 – Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City  
Committee Recommendation:             None (*Not heard by Committee*)
  
2. Resolution 15-07 - To Confirm Resolution 15-06 which Designated an Economic Revitalization Area, Approved a Statements of Benefits, and Authorized a Period of Tax Abatement for Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)  
Committee Recommendation:             None (*Not heard by Committee*)
  
3. Ordinance 15-04 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Making Various Housekeeping Changes, Creating Three Classifications of “Potentially Dangerous” Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of “Habitual Offender,” and Other Changes  
Committee Recommendation:             Do Pass             8 – 0 – 0
  
4. Ordinance 15-08 - To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”- Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations  
Committee Recommendation:             Do Pass             7 – 0 – 2, as amended by Am01  
Am01:             Do Pass             6 – 0 – 3
  
5. Ordinance 15-10 - To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles and Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)  
Committee Recommendation:             None (*Not heard by Committee*)
  
6. Ordinance 15-09 – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” and to Make Other Changes Related to Metered Parking - Re: Shortening the Hours of Enforcement of On-Street Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare “Parking Holidays,” and Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage)  
Committee Recommendation:             None (*Not heard by Committee*)

*(Over)*

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

## LEGISLATION FOR FIRST READING

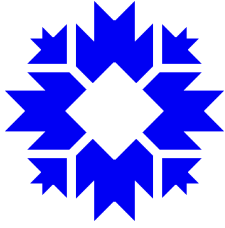
1. Ordinance 15-07 - To Amend the Planned Unit Development District Ordinance and Preliminary Plan to Revise the Approved List of Uses Within the Shortstop Food Mart Planned Unit Development (PUD) - Re: 901 N. Smith Road (Eastside Investments, LLC, Petitioner)

**VII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of twenty-five minutes is set aside for this section.)

**VIII. COUNCIL SCHEDULE**

**IX. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



**City of Bloomington  
Office of the Common Council**

To Council Members  
From Council Office  
Re Weekly Calendar – 06-11 April 2015

**Monday, 06 April**

12:00 pm Board of Public Works – Work Session, Kelly  
5:00 pm Redevelopment Commission, McCloskey  
5:00 pm Utilities Service Board, 600 E Miller Dr.

**Tuesday, 07 April**

5:30 pm Bloomington Public Transportation Corporation Board of Directors, 130 W Grimes Ln.  
5:30 pm Board of Public Works, Chambers

**Wednesday, 08 April**

4:30 pm Environmental Resources Advisory Council, 2120 S Highland Ave.  
5:00 pm Bloomington Arts Commission, McCloskey  
5:30 pm Commission on the Status of Black Males, Hooker Room  
7:30 pm Common Council – Regular Session, Chambers

**Thursday, 09 April**

12:00 pm Housing Network, McCloskey  
4:00 pm Bloomington Digital Advisory Committee, McCloskey  
4:00 pm Monroe County Solid Waste Management District, Courthouse – Judge Nat U. Hill, III Room  
5:00 pm Bloomington Historic Preservation Commission, McCloskey

**Friday, 10 April**

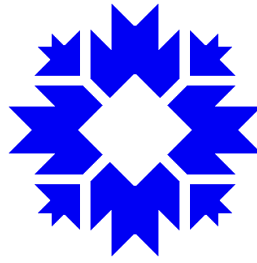
1:30 pm Metropolitan Planning Organization - Planning Committee, Chambers

***Happy Birthday to Councilmember Susan Sandberg!***

**Saturday, 11 April**

8:00 am Bloomington Community Farmers' Market

*Posted and Distributed: Thursday, 02 April 2015*



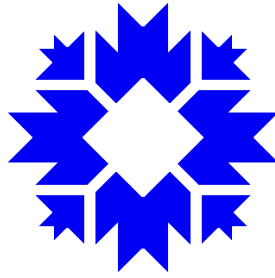
**City of Bloomington  
Office of the Common Council**

# **NOTICE**

**As a result of motions made over a course of meetings,  
the City Council will meet on  
the following Wednesdays at 7:30 pm  
for the balance of April 2015**

<b><u>Date</u></b>	<b><u>Meeting</u></b>
<b>April 8</b>	<b>Regular Session</b>
<b>April 15</b>	<b>Committee of the Whole*</b>
<b>April 22</b>	<b>Regular Session <i>immediately followed by a Committee of the Whole</i></b>

\* *Note: It is anticipated that the Council may also schedule a Special Session for April 15, 2015.*



City of Bloomington  
Office of the Common Council

# NOTICE OF RESCHEDULING

The Committee of the Whole  
Meeting scheduled for  
Wednesday, 08 April 2015  
has been rescheduled to  
**Wednesday, 15 April 2015.**

*Posted and Distributed: Friday, 03 April 2015*

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

[www.bloomington.in.gov/council](http://www.bloomington.in.gov/council)  
[council@bloomington.in.gov](mailto:council@bloomington.in.gov)

**RESOLUTION 15-10**

**WAIVING CURRENT PAYMENTS IN LIEU OF TAXES  
BY THE BLOOMINGTON HOUSING AUTHORITY TO THE CITY**

WHEREAS, the Bloomington Housing Authority provides a public service to the Bloomington community by providing sanitary, safe and affordable housing for low income people; and

WHEREAS, according to I.C. 36-7-18-25, the Bloomington Housing Authority is exempt from all property taxes, but may enter into an agreement with a political subdivision to pay no more than the estimated costs of services, improvements, or facilities provided by that political subdivision; and

WHEREAS, on May 2, 1961, the Bloomington Housing Authority and City of Bloomington entered into a Cooperation Agreement under which the Bloomington Housing Authority agreed to make annual payments in lieu of taxation based upon the value of services established by Housing and Urban Development guidelines; and

WHEREAS, the City of Bloomington does not desire for the Bloomington Housing Authority to make these payments in lieu of taxes this year;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. In consideration for the provision of services to its residents and property by the Bloomington Housing Authority, the City of Bloomington hereby waives its right to any and all payments in lieu of taxes for the year 2014.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

**SYNOPSIS**

This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2014.

# Memo

To: Council Members

From: Lisa Abbott, Director

Date: March 31, 2015

Re: BHA PILOT

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Resolution 15-10 is an annual request by the Bloomington Housing Authority to waive any payment in lieu of taxes (PILOT) as may be required of the entity. In 1961, the Bloomington Housing Authority entered into a cooperation agreement with the City of Bloomington, which was part of the creation of the Housing Authority. The cooperation agreement states, "Under the constitution and statutes of the State of Indiana, all Projects are exempt from all real and personal property taxes levied or imposed by the Taxing Body, as long as the project continues to serve low income citizens this rule applies."

This year, the BHA is requesting that the City forgive the \$32,720.00 Payment in Lieu of Taxes as computed on the attached form.

# Computation of Payments in Lieu of Taxes

## U.S. Department of Housing and Urban Development Office of Public and Indian Housing

For Fiscal Year Ended 2014

OMB Approval No. 2577-0026 (Exp. 10/31/2009)

Public reporting burden for the collection of information is estimated to average .4 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for HUD to ascertain compliance with requirements of Section 6(D) of the U.S. Housing Act, which provides for PHA exemptions from real and personal property taxes, and inclusion in the formula data used to determine public housing operating subsidies. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

<b>Name of Local Agency:</b> Bloomington Housing Authority	<b>Location:</b> Bloomington, Indiana	<b>Contract Number:</b> C-0894	<b>Project Number:</b> IN022
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<b>Part I - Computation of Shelter Rent Charged.</b>			
1. Tenant Rental Revenue (FDS Line 703)	\$	649,636.00	
2. Tenant Revenue Other (FDS Line 704)		213,083.00	
3. <b>Total Rental Charged</b> (Lines 1 & 2)	\$		862,719.00
4. Utilities Expense (FDS Line 931 - 939)			421,317.00
5. Shelter Rent Charged (Line 3 minus Line 4)			441,402.00

<b>Part II - Computation of Shelter Rent Collected.</b> To be completed only if Cooperation Agreement provides for payment of PILOT on basis of Shelter Rent Collected.)			
1. Shelter Rent Charged (Line 5 of Part I, above)	\$		441,402.00
2. Add: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at beginning of fiscal year			3,333.00
3. Less: Tenant Bad Debt Expense (FDS Line 964)			158,917.00
4. Less: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at end of fiscal year			-41,382.00
5. Shelter Rent Collected (Line 1 plus Line 2 minus Lines 3 & 4)			327,200.00

<b>Part III - Computation of Approximate Full Real Property Taxes.</b>			
(1) Taxing Districts	(2) Assessable Value	(3) Tax Rate	(4) Approximate Full Real Property Taxes

**Total** 0.00

<b>Part IV - Limitation Based on Annual Contribution.</b> (To be completed if Cooperation Agreement limits PILOT to an amount by which real property taxes exceed 20% of annual contribution.)			
1. Approximate full real property taxes	\$		0.00
2. Accruing annual contribution for all projects under the contract	\$		
3. Prorata share of accruing annual contribution*			
4. 20% of accruing annual contribution (20% of Line 3)			0.00
5. Approximate full real property taxes less 20% of accruing annual contribution (Line 1 minus Line 4, if Line 4 exceeds Line 1, enter zero)	\$		

<b>Part V - Payments in Lieu of Taxes.</b>			
1. 10% of shelter rent (10% of Line 6 of Part I or 10% of Line 5 of Part II, whichever is applicable)**	\$		32,720.00
2. Payments in Lieu of Taxes (If Part IV is not applicable, enter the amount shown on Line 1, above, or the total in Part II, whichever is the lower. If Part IV is applicable, enter the amount shown on Line 1, above, or the amount shown on Line 5 of Part IV, whichever is lower.)	\$		32,720.00

\* Same as Line 2 if the statement includes all projects under the Annual Contributions Contract. If this statement does not include all projects under the Annual Contributions Contract, enter prorata share based upon the development cost of each project.  
 \*\* If the percentage specified in the Cooperation Agreement or the Annual Contributions Contract with HUD is lower, such lower percentage shall be used.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

<b>Prepared By:</b> Ashley Thurman	<b>Approved By:</b> Jennifer Osterholt
<b>Name:</b> Ashley Thurman	<b>Name:</b> Jennifer Osterholt
<b>Title:</b> Controller	<b>Title:</b> Executive Director
<b>Date:</b> 2/5/15	<b>Date:</b> 2/5/15





**RESOLUTION 15-07**

**TO CONFIRM RESOLUTION 15-06 WHICH DESIGNATED AN  
ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENTS OF BENEFITS,  
AND AUTHORIZED A PERIOD OF TAX ABATEMENT  
FOR PERSONAL PROPERTY IMPROVEMENTS  
- Re: Properties at 1501 South Strong Drive  
(Cook Pharmica, LLC, Petitioner)**

- WHEREAS, Cook Pharmica, LLC, (“Petitioner”) has filed an application for designation of property at 1501 South Strong Drive, Bloomington, Indiana, comprised of a parcel identified by the Parcel Number listed herein, as an “Economic Revitalization Area” (“ERA”) pursuant to Indiana Code 6-1.1-12.1 *et seq.*; and
- WHEREAS, the subject site is identified by the following Monroe County Parcel Number:  
53-08-05-400-032.000-009; Alt Parcel Num: 015-43770-00; and
- WHEREAS, the Petitioner has also submitted a statement of benefits form to the Common Council; and
- WHEREAS, according to this material, the Petitioner wishes to invest \$25 million to install equipment to expand Petitioner’s vial and syringe filling capacity at its existing plant on the subject site, which will enable the creation of 70 full-time permanent positions with an annual payroll of \$3,200,000, excluding benefits and overtime, (the “Project”); and
- WHEREAS, as required by Indiana Code, Bloomington Municipal Code, and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and
- WHEREAS, the Economic Development Commission has reviewed the Petitioner’s application and Statement of Benefits and passed Resolution 15-03 recommending that the Common Council designate the area as an ERA, approve the Statement of Benefits, and authorize a ten-year period of abatement for the personal property improvements; and
- WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part of this Resolution and has found the following:
- A. the estimate of the cost of the new manufacturing equipment that will be installed as part of the Project is reasonable;
  - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the new manufacturing equipment that will be installed as part of the Project;
  - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the new manufacturing equipment that will be installed as part of the Project;
  - D. the totality of benefits is sufficient to justify the deduction; and
- WHEREAS, the Common Council has further found that the Project will not negatively impact the ability of the Thomson-Walnut-Winslow Tax Increment Finance (TIF) district to meet its debt obligations; and
- WHEREAS, the subject site is affected by factors that prevent a normal development or use of the property; and
- WHEREAS, the Common Council adopted Resolution 15-06 on March 25, 2015, which designated the above property as an “Economic Revitalization Area,” approved the Statement of Benefits, and authorized a ten (10) year period of tax abatement for personal property improvements;

WHEREAS, the City Clerk published notice of the passage of that resolution, which requested that persons having objections or remonstrance to the designation, statement of benefits submission, and findings of fact appear before the Common Council at its meeting on April 8, 2015; and

WHEREAS, the Common Council has reviewed and heard all such objections and remonstrance to such designation;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

1. Pursuant to Indiana Code 6-1.1-12.1-1 *et seq.*, the Common Council hereby affirms its determination made in Resolution 15-06 that the area described above is an “Economic Revitalization Area” and that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the personal property improvements for a period of ten (10) years.

2. Pursuant to Indiana Code 6-1.1-12.1-17, the Common Council hereby sets the following abatement schedule for the Project for real estate improvements;

Year 1	70%
Year 2	70%
Year 3	70%
Year 4	70%
Year 5	70%
Year 6	70%
Year 7	70%
Year 8	70%
Year 9	70%
Year 10	70%

3. In granting this designation and deduction the Common Council incorporates Indiana Code 6-1.1-12.1-12. It also expressly exercises the power set forth in Indiana Code 6-1.1-12.1-2 (i) (6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$25 million for equipment shall be completed before or within twelve months of the completion date as listed on the application; and
- b. the land and improvements shall be developed and used in a manner that complies with local code; and
- c. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

4. This designation shall expire no later than December 31, 2028, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

SIGNED and APPROVED by me upon this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

### **SYNOPSIS**

This resolution confirms Resolution 15-06 and designates a parcel owned by Cook Pharmica, LLC and known as 1501 South Strong Drive as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the expansion of Cook Pharmica's vial and syringe filling capacity, creating additional jobs within the City. The resolution also approves a ten-year period of abatement for certain personal property improvements at 1501 South Strong Drive and sets its abatement schedule.



# STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R3 / 12-13)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

### PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

### INSTRUCTIONS

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer Cook Pharmica LLC			Name of contact person Jason Rager					
Address of taxpayer (number and street, city, state, and ZIP code) P.O. Box 1608, Bloomington, IN 47402				Telephone number ( 812 ) 331-3352				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body Bloomington Common Council				Resolution number (s)				
Location of property 1501 S. Strong Drive, Bloomington, IN 47403			County Monroe		DLGF taxing district number 009-Perry City			
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.)  Equipment necessary to expand Cook Pharmica's vial and syringe filling capacity. This includes a barrier isolated Flexi-Filler and all the process related utilities and ancillary equipment.			ESTIMATED					
					START DATE	COMPLETION DATE		
			Manufacturing Equipment		10/01/2015	04/30/2017		
			R & D Equipment					
			Logist Dist Equipment					
IT Equipment								
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number 550	Salaries 31,000,000	Number retained 550	Salaries 31,000,000	Number additional 70	Salaries 3,200,000			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
	Current values	135,162,857	40,683,010					
	Plus estimated values of proposed project	25,000,000	10,000,000					
	Less values of any property being replaced							
Net estimated values upon completion of project	160,162,857	50,683,010						
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____					
Other benefits:  Employees also receive the following benefits: Health insurance, dental insurance, vision insurance, life insurance, disability insurance, profit sharing plan, 401(k) plan with employer match, and an educational assistance program.								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 				Date signed (month, day, year) 1/14/2015				
Printed name of authorized representative John R. Kanstra			Title LVP & CFO					

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed calendar years \* (see below). The date this designation expires is December 31, 2028.

- B. The type of deduction that is allowed in the designated area is limited to:
- 1. Installation of new manufacturing equipment; √ Yes No
  - 2. Installation of new research and development equipment; Yes √ No
  - 3. Installation of new logistical distribution equipment. Yes √ No
  - 4. Installation of new information technology equipment; Yes √ No

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_

D. The amount of deduction applicable to new research and development equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_

F. The amount of deduction applicable to new information technology equipment is limited to \$ \_\_\_\_\_ cost with an assessed value of \$ \_\_\_\_\_

G. Other limitations or conditions (specify) Please see Resolution 15-06 (Declaratory Resolution) and Resolution 15-07 (Confirming Resolutions) for findings, conditions, and other details of this tax abatement.

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- √ Year 1
- √ Year 2
- √ Year 3
- √ Year 4
- √ Year 5
- (see below \*)
- √ Year 6
- √ Year 7
- √ Year 8
- √ Year 9
- √ Year 10

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?  Yes  No  
 If yes, attach a copy of the abatement schedule to this form.  
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number (812) 349-3409	Date signed (month, day, year)
Printed name of authorized member of designating body Council President Dave Rollo, District 4	Name of designating body City of Bloomington Common Council	
Attested by: (signature and title of attester)	Printed name of attester Regina Moore, Clerk, City of Bloomington	

\* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1 17.

**IC 6-1.1-12.1-17**

**Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

**Previous Materials Regarding this Two-Part Economic Development Package for Cook Pharmica, LLC, at 1501 South Strong Drive**

*(See Weekly Packet Distributed for March 11, 2015 Committee of the Whole)*

- **Introductory Material / Overview**
  - Memo to Council on Project Background and Details from Danise Alano-Martin, Director, Economic and Sustainable Development Department; and
  - Aerial Photo of Site with Parcels and Boundaries of Various Economic Development Districts *(Provided by Council Office)*
  
- **Res 15-06** To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)
  - Economic Development Commission (EDC) Res 15-03
  - Memo to Council on Tax Abatement from Danise Alano-Martin, Director, Economic and Sustainable Development Department
  - Application for Tax Abatement;
  - Statement of Benefits for Abatement on Personal Property (Manufacturing Equipment);
  - Estimate of Property Tax Calculations; and
  - Tax Abatement Program: General Standards.
  
- **Res 15-08** To Authorize Expenditures from the Industrial Development Fund to Support an Economic Development Project – Re: Cook Pharmica, LLC, 1501 South Strong Drive
  - Bloomington Industrial Development Advisory Commission [BIDAC] Res 05-03;
  - Memo to Council on Industrial Development Fund Expenditure from Danise Alano-Martin, Director, Economic and Sustainable Development Department;
  - Balance Sheet for Industrial Development Fund *(forthcoming)*

Contact: Danise Alano-Martin 812-349-3477, alanod@bloomington.in.gov

**ORDINANCE 15-07**

**TO AMEND THE PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE AND PRELIMINARY PLAN TO REVISE THE APPROVED LIST OF USES WITHIN THE SHORTSTOP FOOD MART PLANNED UNIT DEVELOPMENT (PUD) -**

**Re: 901 N. SMITH ROAD  
(Eastside Investments, LLC, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-1-15, and recommended that the petitioner, Eastside Investments, LLC, be granted an amendment to the Planned Unit Development District Ordinance and Preliminary Plan for the property located at 901 N. Smith Road. The Plan Commission thereby requests that the Common Council consider this petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the Planned Unit Development (PUD) District Ordinance and Preliminary Plan for the property located at 901 N. Smith Road be amended to revise the list of uses. The property is further described as follows:

A part of the Northeast quarter of Section Thirty-five (35), Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point in the center of the Smith Pike Road, said point being 79.70 feet measured Northwesterly along the center of said road from its intersection with the South line of said Northeast quarter; thence North 87 degrees West for a distance of 544 feet; thence running North 03 degrees 10 minutes East for a distance of 66 feet; thence running North 83 degrees 30 minutes East for a distance of 162 feet; thence running North 49 degrees 23 minutes West for a distance of 121 feet and to the center of State Road #45; thence in a Northeasterly direction on and along the center of State Road #45 to its intersection with the center of the Smith Pike Road; thence in a Southeasterly direction on and along the center of said road to the place of beginning.

EXCEPTING THEREFROM a part of the Northeast quarter of section 35, Township 9 North, Range 1 West in Monroe County, Indiana, bounded and described as follows: Beginning at a point that is 95.95 feet North and 420.87 feet West of the Southeast corner of the Northeast quarter of Section 35; thence from said point of beginning and running North 87 degrees 35 minutes 39 seconds West for 157.24 feet; thence North 04 degrees 44 minutes 16 seconds East for 66.03 feet; thence North 82 degrees 42 minutes 14 seconds East for 161.68 feet; thence North 49 degrees 53 minutes 47 seconds West for 79.67 feet and to the Southerly right-of-way line of State Road #45; thence with the Southerly right-of-way line of State Road #45 and running North 54 degrees 51 minutes 47 seconds East for 68.68 feet; thence North 66 degrees 21 minutes 47 seconds East for 36.63 feet; thence leaving the Southerly right-of-way line of State Road #45 and running South 04 degrees 10 minutes 19 seconds West for 91.26 feet; thence South 26 degrees 18 minutes 35 seconds West for 60.18 feet; thence South 04 degrees 29 minutes 28 seconds West for 53.67 feet and to the point of beginning; containing 0.42 acre, more or less.

SECTION 2. The amendment to the PUD District Ordinance shall be attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends the PUD District Ordinance and Preliminary Plan for the Short Stop Food Mart Planned Unit Development located at 901 N. Smith Road. The amendment would revise the permitted use list to include the existing uses as well as all uses permitted within the Commercial Limited zoning district.



\*\*\*ORDINANCE CERTIFICATION\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 15-07 is a true and complete copy of Plan Commission Case Number PUD-1-15 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 9, 2015.

Date: March 16, 2015

  
 \_\_\_\_\_  
 Thomas B. Micuda, Secretary  
 Plan Commission

Received by the Common Council Office this 16<sup>th</sup> day of March, 2015.

  
 \_\_\_\_\_  
 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



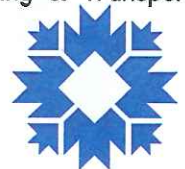
By: shayp  
27 Mar 15



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 200'

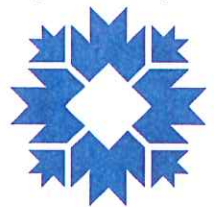


By: shayp  
27 Mar 15



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 60'



920 N Smith Rd

Bloomington, Indiana

Street View - Sep 2014



+

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Hide imagery

**To: Members of the Common Council**  
**From: Patrick Shay, Development Services Manager**  
**Subject: Case # PUD-1-15**  
**Date: March 27, 2015**

Attached is the amendment to the PUD District Ordinance pertaining to Plan Commission Case # PUD-1-15. The PUD District Ordinance amendment is made up of the staff report, petitioner's statement and exhibits reviewed by the Plan Commission at its March 9, 2015 meeting. The Plan Commission voted 7-0 to send this petition to the Common Council with a favorable recommendation.

---

**REQUEST:** The petitioner is requesting a Preliminary Plan and District Ordinance amendment to a Planned Unit Development to revise the approved list of uses.

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**SITE INFORMATION:**

**Address:** 901 N. Smith Road  
**Current Zoning:** Planned Unit Development (Shortstop PUD)  
**GPP Designation:** Neighborhood Activity Center  
**Permitted Land Use:** Mini-warehouses, Convenience Store with Gas, Carry-out Pizza  
**Proposed Land Use:** Existing plus Commercial Limited permitted uses  
**Surrounding Uses:** North – Single Family and School  
South – Single Family  
East – Multifamily  
West – Single Family and Commercial

---

**REPORT:** This property is located at the southwest corner of N. Smith Road and E. 10<sup>th</sup> Street (SR 45). The property was rezoned in 1982 (PCD-2-82) to a Planned Unit Development. This rezoning approval was very specific and had a very narrow list of approved uses that included mini-warehouses, office, and convenience store with gas pumps. A final plan was approved later that year to allow construction of the mini-warehouses and to add gas to the existing convenience store.

The PUD was revised in 1986 (PCD-22-86) to permit an additional use of carry-out and delivery pizza. Although not specifically approved, a small number of indoor seats have been in place for a number of years within the store and served both the convenience store and the pizza use. A few years ago, the petitioner began to barbecue product in the parking lot as an accessory to the convenience store. This grew into what is now the BBQ Train, a one day a week event that has grown in popularity. Although the petitioner barbeques multiple days a week for their product, the main focus has been on their weekly sales associated with the BBQ Train.

To take advantage of the success of the BBQ Train and to spread the sales out more evenly over the week, the petitioner is proposing to reallocate space within

the existing building to accommodate internal space for a more formal kitchen and restaurant user that would have a common internal window with the convenience store. It will also allow for an expanded menu. Staff would consider the proposed use to be a limited service restaurant.

With the proposal, the petitioner is also seeking allowance for more internal seating within the structure. No exterior changes to the building or property are proposed, but recent improvements to the property have been made and will be made regarding grease collection and building maintenance.

In reviewing this petition, the Plan Commission considered further widening of the permitted use list to avoid unnecessary delay and process if the buildings were reused in the future. This PUD has a very narrow list of uses. The Plan Commission recommends utilizing the Commercial Limited (CL) zoning district list of uses (in addition to the existing permitted uses). This is the Unified Development Ordinance's most restrictive commercial zoning district and is intended to be used for small, neighborhood-serving properties such as the petitioner's. The Plan Commission the CL permitted uses would be appropriate for this location if a change in use were to occur in the future. Currently, if one of these other uses were desired, another PUD amendment would be required to be reviewed by the Plan Commission and the Common Council. If there are any uses allowed in the CL district that the Council found to be inappropriate, they could be removed at this time.

---

**GROWTH POLICIES PLAN COMPLIANCE: GROWTH POLICIES PLAN COMPLIANCE:** The Growth Policies Plan (GPP) designation for this property is Neighborhood Activity Center (NAC). The Commercial Limited district is usually associated with this GPP designation and a restaurant (as well as other CL uses) is fully consistent with the goals and policies of the NAC.

Of particular note for this petition, the NAC land use policies state:

- *The main focus of the NAC should be commercial uses at a scale that serves the immediate neighborhood, including such services as small food stores, video rental, or small cafes.*
- *Commercial Uses should be restricted to ensure their neighborhood focus.*

---

**PUBLIC INPUT:** Staff has received a few comments regarding this petition. Most have been positive with one neighbor expressing concerns regarding excessive smoke being generated from this use.

---

**PLAN COMMISSION CONCLUSIONS:** The Plan Commission found this to be a minor change to the PUD with negligible impacts to the development and the surrounding area.

---

**RECOMMENDATION:** The Plan Commission voted 7-0 to forward this petition to the Common Council with a favorable recommendation with no conditions.

# Commercial Limited (CL) District

## 20.02.250 Commercial Limited (CL); District Intent

**The CL (Commercial Limited) District is intended to be used as follows:**

- Provide small scale retail goods and services required for regular or daily convenience of adjacent residential neighborhoods.
- Create an environment of well-planned, visually appealing commercial developments that are quiet and well buffered from adjacent residential areas.
- Preserve existing neighborhood serving commercial uses with context sensitive regulations where other more intensive or permissive commercial zoning districts (e.g. CG, CA, CD) are not appropriate or desired.
- Promote the development of small scale, mixed use urban villages with storefront retail, professional office, and residential dwelling uses. Development should incorporate pedestrian oriented design (scale and massing) and accommodate alternative means of transportation.

**Plan Commission/Board of Zoning Appeals Guidance:**

- Commercial and office uses should be at a scale that serves the immediate neighborhood.
- Residential uses should be limited to multifamily development on floors above the street level commercial uses.
- Pedestrian scale lighting, building forward design, transit accessibility, and reduced parking should be incorporated into the site plan design.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

## 20.02.260 Commercial Limited (CL); Permitted Uses

**\* Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.**

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>• antique sales</li> <li>• apparel and shoe sales</li> <li>• art gallery</li> <li>• artist studio</li> <li>• arts/crafts/hobby store</li> <li>• barber/beauty shop</li> <li>• bed and breakfast</li> <li>• bicycle sales/repair</li> <li>• bookstore</li> <li>• brewpub*</li> <li>• business/professional office</li> <li>• coin laundry</li> <li>• community center</li> <li>• computer sales</li> <li>• convenience store (without gas)</li> <li>• copy center</li> <li>• day care center, adult</li> <li>• day care center, child</li> </ul> | <ul style="list-style-type: none"> <li>• drugstore</li> <li>• dry-cleaning service</li> <li>• dwelling, single-family (detached)*</li> <li>• dwelling, upper floor units</li> <li>• fitness/training studio</li> <li>• florist</li> <li>• garden shop</li> <li>• gift shop/boutique</li> <li>• government office</li> <li>• grocery/supermarket</li> <li>• group care home for developmentally disabled*</li> <li>• group care home for mentally ill*</li> <li>• group/residential care home*</li> <li>• hardware store</li> <li>• health spa</li> <li>• jewelry shop</li> <li>• medical clinic</li> <li>• music/media sales</li> <li>• musical instrument sales</li> <li>• park</li> </ul> | <ul style="list-style-type: none"> <li>• pet grooming</li> <li>• pet store</li> <li>• photographic studio</li> <li>• restaurant</li> <li>• restaurant, limited service</li> <li>• retail, low-intensity</li> <li>• shoe repair</li> <li>• social service</li> <li>• sporting goods sales</li> <li>• tailor/seamstress shop</li> <li>• tanning salon</li> <li>• utility substation and transmission facility*</li> <li>• video rental</li> </ul> |
|--|---|---|

## 20.02.270 Commercial Limited (CL); Conditional Uses

**\* Additional requirements refer to Chapter 20.05; §CU: Conditional Use Standards.**

- billiard/arcade room
- historic adaptive reuse\*
- library
- museum
- place of worship
- police, fire or rescue station
- recreation center
- school, preschool
- school, primary/secondary
- veterinarian clinic

**Eastside Investments, LLC  
901 North Smith Road  
Bloomington, Indiana 47408**

October 23, 2014

Tom Micuda  
Planning and Transportation Director  
401 N. Morton Street  
Bloomington, Indiana 47404

RE: Request to amend PUD to allow indoor seating  
901, 903, 905 North Smith Road with waiver of second hearing.


Dear Mr. Micuda,

Please accept this letter as our formal request to petition the City of Bloomington to amend the list of uses for the PUD located at 901 North Smith Road. Specifically we are requesting this to allow indoor seating for the Short Stop Food Mart/BBQ Train with waiver of second hearing. It is our understanding that the current PUD approval limits the property to a carry-out restaurant only. In order to differentiate our Gas station from other stations we started barbequing in our parking lot one day a week and that slowly grew into what is now the BBQ Train. Currently we operate in the parking lot every Thursday and sell pulled pork out of the gas station every day. Historically, there has always been some indoor seating. 905 North Smith was a Pizza place for years and had about 15 seats. The gas station consistently had seating for eight guests. Most of the retail sales were, and still are, carryout.

We are requesting a change in the PUD to allow us to serve a broader menu and increase the number of days of service for the BBQ Train. Our goal is to tie the BBQ Kitchen to the Gas Station via a sales window inside the existing building. In order to make this option viable we believe some indoor seating would be necessary above what has historically been on the site. We estimate the maximum number to be in the 25 guest range for sit down seating.

At this time there is no plan for any additions or exterior renovations other than cosmetic. In 2014 we did replace all of the roofs, soffit, fascia and gutters. We have worked with the Health Department and Utilities to make sure we are in compliance with the current Grease Interceptor requirements.

A preliminary floor plan is attached, if you have any questions please feel free to contact me at any time.

Eastside Investments, LLC  
  
Chris Smith



## **History of Short Stop Food Mart**

In the mid 1970's the corner of 10th Street and Smith Road was a wooded ravine with a small rental home, owned by Tim Ellis, a local realtor. In late 1978, Dave Trueblood and Dick Huffman (the owner of the Johnson Creamery which operated until 1987) approached Tim about opening a neighborhood grocery on this corner, and in 1979, the first Short Stop Food Mart opened.

At this time George Huntington was working at the Night Owl at the corner of 17th and Indiana and was approached by Dave and Dick to come manage the store, George agreed and by 1985 had bought out the original partner's, added gas and operated what has become a Bloomington Landmark for over 30 years.

In the 1980's Short Stop was the hangout for the local kids during the summer months enjoying the latest in video entertainment, Pac-man and Asteroids. Managers and employees included Darla, Debbie, and Kenny. The same year gas was added, a group of investors including, Jerry Gates, Mel Richardson, Bud Wyman, Mary Hartle, Charles Kelly, Thomas Gibbs and Patrick Duginske purchased the property and added the Eastside Mini Warehouses.

Since then, Short Stop has had some good and bad years. The reconstruction of 10th street and the railroad trestle on Smith Road almost ended its very existence.

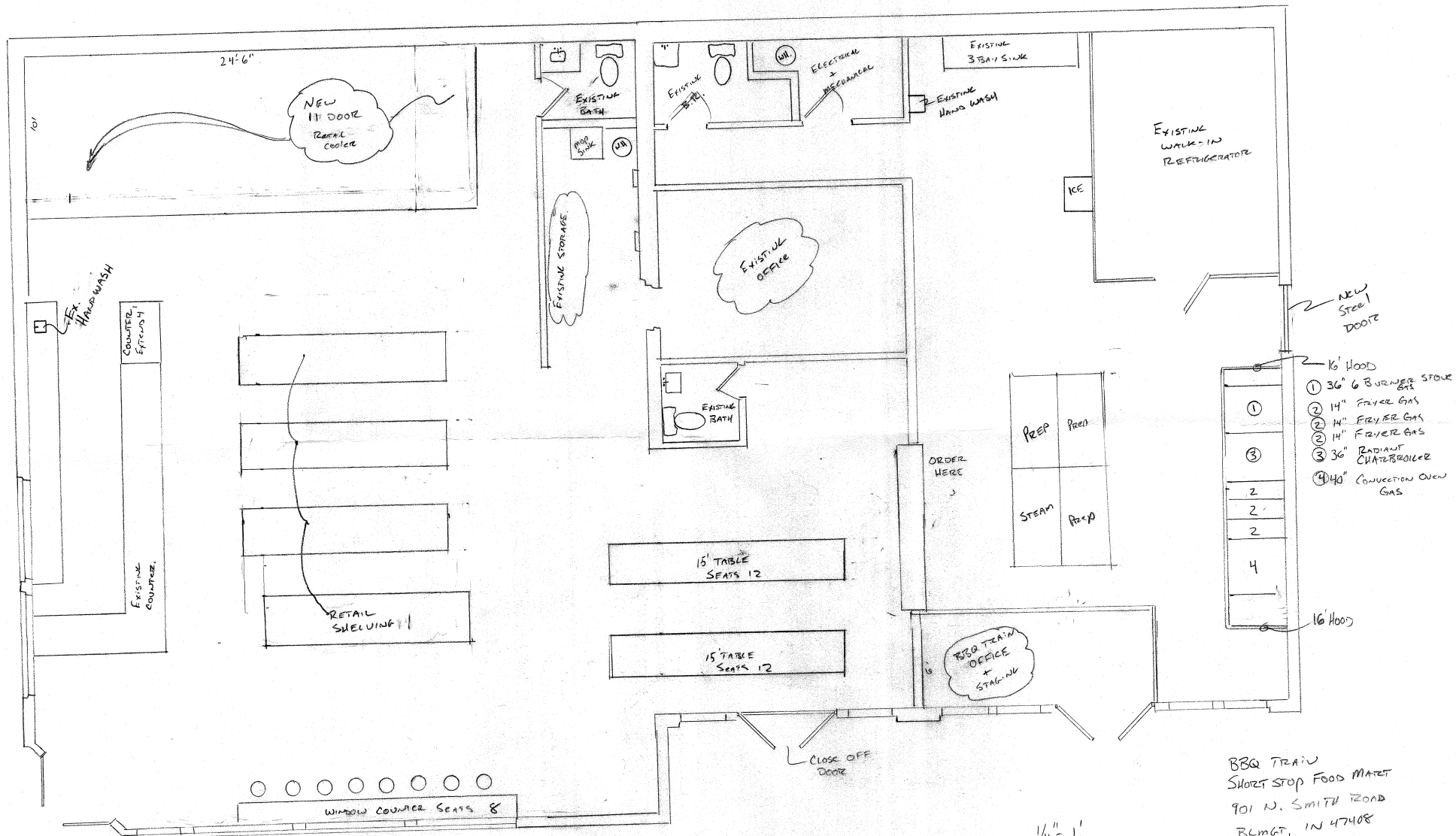
In 2000 the original partners sold their interest in the real estate to Eastside Investments, LLC whose members included Chris Smith and Whitney Gates, by 2005 Chris had bought out his partner in the real estate and George's interest in Short Stop Food Mart.

This was the year Short Stop closed for a summer to add branded gasoline (Sunoco) including some renovations such as a new canopy, modern gas pumps and sales counter. Then disaster hit, the financial crisis and a huge spike in gasoline prices drove the store operator into bankruptcy leaving empty shelves and gas tanks.

In January of 2009 the current property owner, Chris Smith a Bloomington Native, left his position as a Civil Engineer in Charlotte NC, returned to Bloomington and took over Short Stop Food Mart. Having grown up stopping at Short Stop thought-out his teen years he was devoted to reinventing the neighborhood grocery by focusing on customer service a friendly atmosphere and local products.

In the last few years Short Stop has once again become an asset to the surrounding community by offering products and services at reasonable prices and out of this rebirth the BBQ Train was created.

Proposed list of uses



BBQ TRAIN  
 SHORT STOP FOOD MART  
 901 N. SMITH ROAD  
 BLMGT, IN 47408  
 1/4" = 1'

PROPOSED PLAN  
 SEATING - 32 CUSTOMERS

to Martin, me

Martin,

We have owned this property since 1981. Our property is also zoned commercial but we have a 150 year old log cabin on it as well which is (our residence). I know Chris Smith personally as we allowed them to use a piece of our property this last spring to fix a drainage issue on the southern most warehouse building so it was usable. We have had issues with the smoke since the Barbecue's inception but never complained until the issue became a real problem with my wife's illness in 2013. I had hoped that once the activity (Barbecue) was found to be a viable operation that Chris Smith would decide to move it inside and have proper ventilation.

The reason that I contacted you was the latest from (Eastside Investments & Chris Smith) is a request before the planning commission which is on the docket for 2-9-15. The plan is a request to expand the operation into basically a restaurant. I was hoping that the smoke issue was going to be addressed. But once I reviewed the details of the petition it is about the inside expansion of his building to accommodate more seating and not addressing the smoke issue. I had hoped this new petition was going to incorporate one of his warehouse buildings to place the cooking operation inside and have proper ventilation. But this is not the case.

There is also a parking issue for this activity to be expanded. As we have had to resort to towing the Barbecue patrons from our commercial lot on the Thursday event. We really have no issue with his commercial activities as long as it is contained to his property. I personally feel he needs to decide if he wants to be in the warehouse business or the restaurant business and tear few buildings down to accommodate his clients and the parking. Or move this portion of his business to another location. I have also included images when I was pumping gasoline last year at the location. This is just the smoke from one of the cookers.

Patrick Shay ([shayp@bloomington.in.gov](mailto:shayp@bloomington.in.gov)) in the planning department is handling this petition. Which I will CC to this email. I have a letter fashioned to send to him about this as well. But maybe this email will suffice. In closing your inspection in the spring will not address the current smoke situation. It will have gotten worse if they are allowed to expand. Again I have no issues with people being successful and conducting business. But it needs to be done correctly and not spill over onto all of the surrounding neighbors. I wish (Chris) his family and yourself future success in all your endeavors as life is very short. As I have unfortunately learned first hand in 2013.

Best Regards  
Hank West



SWISS



In the Council Chambers of the Showers City Hall on Wednesday,  
March 25, 2015 at 7:30 pm with Council President Dave Rollo presiding  
over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
March 25, 2015

Roll Call: Rollo, Ruff, Sandberg, Volan, Granger, Sturbaum, Neher,  
Spechler, Mayer  
Absent: None

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

Ordinance 15-06 - To Amend Title 20 of the Bloomington Municipal  
Code Entitled "Unified Development Ordinance" (Amending Sections  
20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

LEGISLATION FOR FIRST  
READING

The meeting was adjourned at 7:36 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval